REMARKS

With this response, claims 37-39, 41-53, 61-64 and 73-77 are pending. Claims 1-36, 40, 54-57 and 65-72 were previously canceled without prejudice or disclaimer. Claims 61-64 and 73-76 have been withdrawn from further consideration by the Examiner as being drawn to non-elected inventions. Claims 58-60 have been canceled without prejudice or disclaimer to the subject matter therein.

Claims 37-39, 41-53 and 77 have been amended. Support for these amendments can be found in the specification as filed, at least, for example, at page 20, lines 34-36, and in the original claims. No new matter is entered by way of these amendments.

1. Election

Applicants acknowledge the finality of the restriction requirement. Applicants reserve the right to pursue the claims drawn to non-elected inventions in one or more divisional applications.

2. Priority

The Examiner established a priority date for the instant application of October 17, 2003 and noted that Applicants did not file a certified copy of the priority document (DE 102 48 751.0) as required by 35 U.S.C. § 119(b). Applicants respectfully submit that a certified copy of the priority document was filed in PCT/EP2003/011525, of which the present application is a National Stage entry. A copy of the Notification Concerning Submission or Transmittal of Priority Document from PCT/EP2003/011525 is enclosed herein for the Examiner's convenience and indicates that a copy of the priority document was transmitted to the International Bureau. A copy of the certified priority document has been added to the Image File Wrapper for this case in PAIR. An English translation of the priority document and a statement that the translation of the certified copy is accurate are also enclosed. Therefore, Applicants respectfully submit that the present application is entitled to a priority date of October 18, 2002.

3. Rejection under 35 U.S.C. § 101

Claims 37-39, 41-53 and 77 have been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicants respectfully disagree with the Examiner's rejection. However, solely in order to advance prosecution, and not in acquiescence to the Examiner's request, Applicants have amended claims 37-39, 41-53 and 77 to recite a purified compound. Support for these amendments can be found in the specification as filed, at least, for example, at page 20, lines 34-36. Therefore, Applicants respectfully submit that the Examiner's rejection of claims 37-39, 41-53 and 77 under 35 U.S.C. § 101 has been overcome and should be withdrawn.

4. Rejection under 35 U.S.C. § 112, second paragraph

Claims 42 and 43 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner stated that "in the absence of units for the affinity or what binding interaction refers to, it can not be determined what the scope of the binding affinity is." Office Action at page 5. Applicants respectfully disagree with the Examiner's rejection. Applicants respectfully submit that one of ordinary skill in the art would recognize that the binding affinities recited in present claims 42 and 43 refer to the affinity of the first binding domain for the tumor-specific molecule. In order to clarify what binding interaction refers to, Applicants have amended claims 42 and 43 to recite that the binding affinity of the first binding domain is for the tumor-specific molecule. Furthermore, Applicants respectfully submit that a person of ordinary skill in the art would recognize that binding affinities are expressed in terms of a dissociation constant, and that dissociation constants are well-known by those in the art to have molar (M) units. See, *e.g.*, Alberts, *et al.* (2008). *Molecular Biology of the Cell.* New York, NY: Garland Science, Taylor & Francis Group, LLC. Therefore, Applicants respectfully submit that "a binding affinity of 10^{-5} to 10^{-12}" means that the dissociation constant of the first binding domain and the tumor-specific molecule is 10^{-5} M to 10^{-12} M. Therefore, Applicants respectfully submit that claims 42 and 43 are definite, and submit that the Examiner's rejection of these claims under 35 U.S.C. § 112, second paragraph, has been overcome and should be withdrawn.

5. Rejections under 35 U.S.C. § 112, first paragraph

a.) Enablement

Claims 58-60 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly not being enabling for a medicament. The Examiner stated that "[t]he specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims." Office Action at page 6. Applicants respectfully disagree with the Examiner's conclusion. However, solely in order to advance prosecution, and not in acquiescence to the Examiner's rejection, Applicants have canceled claims 58-60. Therefore, Applicants respectfully submit that the Examiner's rejection of claims 58-60 has been rendered moot and should be withdrawn.

Claims 37-39, 41-53 and 77 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly not being enabling for "a compound comprising a first binding domain for a tumor-specific molecule and a second binding domain to effect dyslocalization, wherein said compound is a peptide, oligoprotein, protein, or fusion protein and is able to effect dyslocalization of the tumor-specific molecule, **wherein the dyslocalization inhibits the growth of tumor cells or induces apoptosis of tumor cells or wherein the dyslocalization binds the tumor-specific molecule to a nucleic acid sequence which regulates the transcription of a gene, thereby activating or inhibiting the transcription of the gene.**" Office Action at page 13, emphasis in original. The Examiner stated that

> [o]ne cannot extrapolate the teachings of the specification to enable the scope of the claims because it would not predictably be expected that dyslocalization of the broadly claimed tumor specific molecules will inhibit tumor cell growth, induce apoptosis of tumor cells or activate or inhibit any gene because not all tumor specific molecules are directly involved in these processes, these effects are cell type dependent, and dyslocalization of the tumor specific molecule may have the opposite effect. In particular the effect of GFP-M&M appears to be dependent on cells expressing AML1-ETO, see Examples 5-7.

> Thus it would not be expected that GFP-M&M would predictably affect these process [sic] in tumor cells not expressing AML1-ETO.
>
> Office Action at page 14.

A specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as being in compliance with the enablement requirement of 35 U.S.C. § 112, first paragraph, unless there is a reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support. As stated by the court, "it is incumbent upon the Patent Office, whenever a rejection on this basis is made, to explain *why* it doubts the truth or accuracy of any statement in a supporting disclosure and to back up assertions of its own with acceptable evidence or reasoning which is inconsistent with the contested statement. Otherwise, there would be no need for the applicant to go to the trouble and expense of supporting his presumptively accurate disclosure." *In re Marzocchi*, 439 F.2d at 224, 169 USPQ at 370 (CCPA 1971). The Examiner has not backed up his assertion that claims 37-39, 41-53 and 77 are not enabled by providing acceptable evidence showing that dyslocalization of a tumor-specific molecule will not lead to inhibition of tumor cell growth, induction of apoptosis, or inhibition or activation of a gene. Therefore, the present specification must be relied upon as providing enabling support for claims 37-39, 41-53 and 77, and the Examiner's rejection of these claims should be withdrawn.

Furthermore, the Examiner appears to disagree with the interpretation of the data and the conclusions to be made from the facts presented in the instant specification, but the Examiner has not presented evidence to date that disputes the truth of those facts. As such, there is no basis for the enablement rejection. *See In re Wands*, 858 F.2d 731,737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988). *See also United States v. Telectronics, Inc.*, 857 F.2d 778, 785 8 USPQ2d 1217, 1223 (Fed. Cir. 1988) ("The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation.")

The Examiner has not shown a compound having first and second binding domains that effects dyslocalization of a tumor-specific molecule and wherein the dyslocalization of a tumor-specific molecule will not lead to inhibition of tumor cell growth, induction of apoptosis, or

inhibition or activation of a gene. As the Examiner has failed to provide specific technical reasons or scientific facts to dispute the presumptive validity of the data and analyses in the instant specification, the burden of proof for an enablement rejection has not been met. *See* MPEP § 2164.04. As long as the specification discloses at least one method for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claim, then the enablement requirement of 35 U.S.C. § 112 is satisfied. *In re Fisher*, 427 F.2d 833, 839, 166 USPQ 18, 24 (CCPA 1970). In light of the above, withdrawal of this rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Applicants submit that the present specification contains a teaching of the manner and process of making and using the presently claimed invention. Indeed, dyslocalization is defined in the present specification as "transport of the molecule within the cell or the tissue to a site where this molecule is not normally present in tumor cells." See specification as filed at page 7, lines 14-18. The tumor-specific molecule need not be involved in apoptosis or cell growth directly, as the Examiner implies. For example, the second binding domain may bind a promoter essential for cell survival. See specification as filed at page 11, lines 4-7. The specification further shows that "coexpression of GFP-M&M and AML1-ETO reduced the relative number of colonies by more than 80%." See specification at page 24, lines 6-8. GFP-M&M was also shown to reduce colony growth of t(8;21) [AML1-ETO] positive Kasumi-1 leukemia cells by twelve-fold. See specification at page 24, lines 15-19.

The specification also states that "dyslocalization leads to an induction of apoptosis in the tumor cells. The apoptosis in the tumor cells is increased in cells treated with the molecule of the invention as compared to untreated cells preferably by a factor of 2, wherein an increase in apoptosis of a factor of at least 3 is particularly preferred." See specification as filed at page 8, lines 8-14. Cells expressing GFP-M&M and AML1-ETO display a four-fold increase in apoptosis over control cells. See specification as filed at page 24, line 34 - page 25, line 2.

Furthermore, the specification also states that "the dyslocalization of the tumor-specific molecule may lead for example to binding of the tumor-specific molecule to a nucleic acid sequence which regulates the transcription of a gene. The transcription of the gene may be activated or inhibited through the binding of the tumor-specific molecule." See specification as filed at page 8, lines 21-27.

The Examiner stated that the specification is "enabling for a compound comprising a first binding domain for a tumor-specific molecule and a second binding domain to effect dyslocalization, wherein said compound is a peptide, oligoprotein, protein, or fusion protein and is able to effect dyslocalization of the tumor-specific molecule." Office Action at page 13. Claim 37 recites "a compound comprising a first binding domain for a tumor-specific molecule selected from the group consisting of AML1-ETO, BCR-Abl, PML-RARalpha, PLZF-RARalpha, MLL and EWS-FLI fusion protein and a second binding domain to effect dyslocalization, wherein said dyslocalization is to a site where said tumor-specific molecule is not normally present in tumor cells." As such, it is unclear what the Examiner believes is not enabled. Indeed, it appears that the Examiner agrees with the Applicants that claim 37 is enabled.

Claims 41-48, 50-53 and 77 add further limitations to claim 37, which the Examiner stated is enabled. The Examiner has not made any showing that the limitations set forth in dependent claims 41-48, 50-53 and 77 are not enabled by the specification. Therefore, claims 37-39, 41-53 and 77 are enabled by the present specification, and the Examiner's rejection of these claims should be withdrawn.

Applicants also submit that the specification as filed provides a clear evidence of enablement. The present specification shows that the altered binding properties of tumor-specific molecules can be used to effect their dyslocalization, and that this dyslocalization can be utilized to induce specific tumor-cell death. This is a new approach to cancer therapy, which constitutes a major advance compared to the current state of the art that either leads to non-specific cell killing or to simple inhibition of a target molecule. A simple cytotoxic therapy is rarely specific enough to allow treatment of patients at the required dose. As such, the vast majority of compounds in clinical trials fail. Simple inhibition of a target molecule routinely leads to the development of secondary resistance mechanisms that overcome and limit the therapeutic efficacy of the drug. As a consequence, most cancer drugs are usually not curative. It is clear that a compound with simple cytotoxic effects would need to be tested in animal models to get an idea of the toxicity profile and therapeutic range. However, Applicants submit that the specific and direct dyslocalization of tumor-specific molecules can lead directly to tumor cell death and was shown to be effective in several hematopoietic cell lines and in retrovirally

transduced primary bone marrow cells. For example, AML1-ETO positive leukemia cells were shown to be correctly targeted for cell death, while other cells (including primary hematopoietic progenitor cells) were not targeted. The efficacy and low toxicity towards non-cancer cells is well-demonstrated and supported by the specification. The present application does not merely teach a single molecule used for therapy of a specific type of cancer but also teaches a new type of tumor-cell targeting approach and provides clear guidelines for designing effective dyslocalization molecules.

The specification teaches compounds that are able to effect dyslocalization of tumor-specific molecules. For example, a compound taught in the specification, called GFP-M&M, is a chimeric protein consisting of the DNA binding domain of c-myb and the AML1 binding domain of MEF. As shown in Example 3, GFP-M&M is able to bind AML1-ETO (a leukemia-specific fusion protein) to the endogenous c-myb promoter c-kit *in vivo*. See specification as filed at page 22, lines 21-23. The specification also teaches that dyslocalization, *i.e.*, "GFP-M&M binding to the DNA, is necessary for repression of the myb dependent gene in the presence of AML1-ETO." See specification at page 23, lines 16-18.

One of skill in the art would recognize that other compounds comprising a first binding domain for tumor-specific molecules (Bcr-Abl, PML-RARα, PLZF-RARα, MLL or EWS-FLI fusion proteins) and a second binding domain to effect dyslocalization could also be made and used without undue experimentation. As mentioned above, the specification defines dyslocalization as "transport of the molecule within the cell or the tissue to a site where this molecule is not normally present in tumor cells." See specification as filed at page 7, lines 14-18. The claimed compound can have affinity for any molecule specifically expressed in a certain type of tumor (for example, but not limited to, the EWS-Fli molecule in sarcoma cells) and would function to direct the compound to the tumor cell. Therefore, the specification enables the claimed compound, and the Examiner has not provided acceptable evidence to the contrary.

The Examiner points to Minucci *et al.*, (WO 01/73433 A2; hereinafter "Minucci") and states that Minucci "teaches a fusion protein comprising the coiled-coil (CC) region of the transcription factor PML-fused to the full length p53 tumor suppressor protein." The Examiner states that CC-p53 inhibits the growth suppressive effect of p53 and thus does not inhibit the growth of cells. The Examiner therefore concludes that "dyslocalization of other tumor

suppressor proteins would not [be] expected to have inhibitory effects on tumor cell growth or induce apoptosis." Office Action at page 14-15. Disruption of the HMW complex did not result in any specific dyslocalization of a tumor-specific molecule or specific detrimental cellular effects. Therefore, the Examiner's characterization of Minucci is inaccurate, as Minucci relates only to the non-specific disruption of a HMW protein complex and does not disclose dyslocalization as defined in the present specification. Minucci also does not disclose the directed dyslocalization of a tumor-specific molecule that results in tumor cell death. Therefore, Applicants respectfully submit that Minucci cannot be relied upon to support the Examiner's conclusion.

The Examiner further relies on Lloyd *et al.* (Int. J. Cancer 1997 71:842-850; hereinafter "Lloyd") and states that "the dyslocalization of tumor markers like CA125 ... whose function is not well defined and not associated with affecting cell growth, apoptosis, or gene transcription would not predictably be expected to affect these processes." Office Action at page 15.

Lloyd, however, does not describe any compounds that effect dyslocalization, where the dyslocalization is to a site where the tumor-specific molecule is not normally present in tumor cells. In fact, the Examiner seems to merely state that CA125 is not associated with affecting cell growth, apoptosis, or gene transcription without any evidence to support the assertion that dyslocalization of CA125 could not be expected to affect any of those processes.

With regard to the Examiner's statement that "it would not be expected that GFP-M&M would predictably affect these process [sic] in tumor cells not expressing AML1-ETO," Applicants agree with the Examiner and direct the Examiner's attention to the specification, which discloses that "[t]he compounds of the invention are highly specific and have no effect whatsoever on cells which do not have the tumor-specific molecule." See specification at page 5, line 38 - page 6, line 2. Therefore, Applicants respectfully submit that this specificity is a "novel therapeutic approach [that] therefore does not reverse individual oncogenic events, but changes a specific property of the tumor cells in such a way that the tumor cell is eliminated." See specification at page 6, lines 2-6.

Thus, as the Examiner has not made any showing that claims 37, 41-53 and 77 are not enabled by the specification, Applicants submit that claims 37, 41-53 and 77 are enabled and that the Examiner's rejection of these claims should be withdrawn.

b.) Written Description

Claims 37-51, 58-60 and 77 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Applicants respectfully submit that claims 58-60 have been canceled and that the Examiner's rejection of those claims has been rendered moot. With regard to claims 37-51 and 77, the Examiner states that "[t]he claims lack any limitation on said compounds and thus are drawn to a genus of compounds..." Office Action at page 16. The Examiner further states that the present claims encompass "a wide genus of compounds that is highly variant which vary significantly both in structure and function from each other." *Id.* The Examiner concludes that the present claims fail "to adequately describe the genus of compounds because said genus tolerates members which differ significantly in both structure and function from GFP-M&M/SEQ ID NO: 1." Office Action at page 17. Applicants respectfully disagree with the Examiner's conclusion.

The dyslocalization of AML1-ETO effected by GFP-M&M was disclosed in the present application and Applicants were in possession of the claimed invention as a whole at the time of filing of the present application. In light of the specification, the general concept of selecting and combining a tumor-specific molecule and a dyslocalization-effecting molecule is disclosed. Determination of what is needed to support generic claims to biological subject matter depends on a variety of factors, such as the existing knowledge in the particular field, the extent and content of the prior art, the maturity of the science or technology, the predictability of the aspect at issue, and other considerations appropriate to the subject matter. *See Capon v. Eshhar*, 418 F.3d 1349, 76 U.S.P.Q.2d 1078. In light of the present application, a person skilled in the art could make a compound comprising a first binding domain for a tumor-specific molecule and a second domain to effect dyslocalization. A person skilled in the art would recognize that the methods and compounds of the present invention could be readily adapted to utilize first and second binding domains that differ from GFP-M&M and would have a reasonable expectation of success. Applicants submit that at least sequences would be known by a person in light of the specification. Therefore, as structures and functions of the binding domains are described by the present specification, the sequences can be determined by one skilled in the art as they are largely known. As in *Capon*, Applicants are disclosing a chimera, wherein the structure and

function of the two parts of the chimera (a first binding domain for a tumor-specific molecule selected from the group consisting of AML1-ETO, BCR-Abl, PML-RARalpha, PLZF-RARalpha, MLL or EWS-FLI fusion protein and a second binding domain to effect dyslocalization of said tumor-specific molecule) are known.

Applicants respectfully submit that a person skilled in the art would be able to make and use the claimed compound utilizing first and second binding domains that differ from GFP-M&M. As such, Applicants were in possession of the presently claimed invention. Applicants therefore respectfully submit that the Examiner's rejection of claims 37-51 and 77 under 35 U.S.C. § 112, first paragraph has been overcome and should be withdrawn.

c.) Written Description - New Matter

With regard to claims 37-51 and 77, the Examiner further alleged that "[t]he limitation of a compound comprising a first binding domain for a tumor-specific molecule and a second binding domain to effect dyslocalization, wherein said compound is able to effect dyslocalization of the tumor-specific molecule claimed in 37-51 and 77. . . [has] no clear support in the specification and the claims as originally filed." Office Action at page 19. Applicants respectfully disagree with the Examiner. However, solely in order to advance prosecution, and not in acquiescence to the Examiner's request, claim 37 has been amended to remove the limitation of "wherein said compound is able to effect dyslocalization of the tumor-specific molecule." Therefore, Applicants respectfully submit that the Examiner's rejection has been rendered moot and should be withdrawn.

6. Rejections under 35 U.S.C. § 102

a.) Claims 37-53, 58-60 and 77 Are Rejected under 35 U.S.C. § 102(a)

Claims 37-53, 58-60 and 77 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Steffen *et al.* (Proc. Natl. Acad. Sci. USA July 8, 2003, 100:8448-8453; hereinafter "Steffen"). Applicants respectfully submit that claims 58-60 have been canceled and that the Examiner's rejection of those claims has been rendered moot. With regard to claims 37-53 and 77, Applicants respectfully submit that, as discussed above, the priority date of the present application is October 18, 2002. Therefore, Steffen does not qualify as a 102(a)

reference because it was published after the priority date of the present application. Applicants respectfully submit that the Examiner's rejection of claims 37-53 and 77 is therefore moot and should be withdrawn.

b.) Claims 37, 41-45 and 47 Are Rejected under 35 U.S.C. § 102(b)

Claims 37, 41-45 and 47 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by McWhirter *et al.* (Mol. And Cell. Biol. 1993, 13:7587-7595, hereinafter "McWhirter") as evidenced by Muller *et al.* (Mol. And Cell. Biol. 1992, 12:5087-5093, hereinafter "Muller"). The Examiner stated that "McWhirter et al. teach that the BCR sequences of BCR-Abl proteins alter the sub-cellular localization of the Abl protein by blocking its nuclear translocation and activating the F-actin binding functions." Office Action at page 22. McWhirter does not describe a purified compound comprising a first binding domain for a tumor-specific molecule selected from the group consisting of AML1-ETO, BCR-Abl, PML-RARalpha, PLZF-RARalpha, MLL and EWS-FLI fusion protein and a second binding domain to effect dyslocalization of the tumor-specific molecule, where the dyslocalization is to a site where the tumor-specific molecule is not normally present in tumor cells.

BCR-Abl is defined in the present specification as tumor-specific molecule. See specification as filed at page 7, line 3. Abl is a domain within the BCR-Abl protein and is not itself a tumor-specific molecule, contrary to the Examiner's assertion. A person skilled in the art would recognize that Abl is a ubiquitously expressed tyrosine kinase that has been implicated in processes of cell differentiation, cell division, cell adhesion and stress response. While the BCR domain of the BCR-Abl molecule may be responsible for altering the subcellular localization of the Abl domain of the BCR-Abl molecule, Applicants submit that BCR does not effect dyslocalization of a tumor specific molecule, because Abl is <u>not</u> a tumor specific molecule.

Furthermore, the tumor-specific molecule is selected from the group consisting of AML1-ETO, BCR-Abl, PML-RARalpha, PLZF-RARalpha, MLL and EWS-FLI fusion protein.

As McWhirter does not expressly disclose every element of the present claims either alone or as evidenced by Muller, Applicants respectfully submit that the Examiner's rejection of claims 37, 41-45 and 47 under 35 U.S.C. § 102(b) has been overcome and should be withdrawn.

c.) Claims 37, 41-44, 47 and 58-60 Are Rejected under 35 U.S.C. § 102(b)

Claims 37, 41-44, 47 and 58-60 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Minucci as evidenced by Prokocimer *et al.* (Blood 1994 84:2391-2411, hereinafter "Prokocimer"). Applicants respectfully submit that claims 58-60 have been canceled and that the Examiner's rejection of those claims has been rendered moot. With regard to claims 37, 41-44 and 47, the Examiner stated that "the p53-CC protein is a protein comprising a binding domain for a tumor specific molecule, the tetramerization domain, a second binding domain to effect dyslocalization, the PML CC domain, and a DNA binding domain." Applicants respectfully disagree with the Examiner's rejection.

As discussed above, disruption of the HMW complex described in Minucci did not result in any specific dyslocalization or specific detrimental cellular effects. Therefore, the Examiner's characterization of Minucci is inaccurate, as Minucci relates only to the non-specific disruption of a HMW protein complex and does not disclose dyslocalization as defined in the present specification. Minucci also does not disclose the directed dyslocalization of a tumor-specific molecule that results in tumor cell death. Therefore, as Minucci does not expressly disclose every element of the present claims either alone or as evidenced by Prokocimer, Applicants respectfully submit that the Examiner's rejection of claims 37, 41-44 and 47 has been overcome and should be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims is believed to be in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding objection and rejections of the claims, and to pass this application to issue. The

Examiner is encouraged to contact the undersigned at (202) 942-6237 should any additional information be necessary for allowance.

Respectfully submitted,

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Date: October 15, 2009

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PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING SUBMISSION OR TRANSMITTAL OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

To:

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Date of mailing (day/month/year) 12 January 2004 (12.01.2004)	
Applicant's or agent's file reference P 64438	**IMPORTANT NOTIFICATION**
International application No. PCT/EP2003/011525	International filing date (day/month/year) 17 October 2003 (17.10.2003)
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 18 October 2002 (18.10.2002)
Applicant BERDEL, Wolfgang et al	

1. By means of this Form, which replaces any previously issued notification concerning submission or transmittal of priority documents, the applicant is hereby notified of the date of receipt by the International Bureau of the priority document(s) relating to all earlier application(s) whose priority is claimed. Unless otherwise indicated by the letters "NR", in the right-hand column or by an asterisk appearing next to a date of receipt, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).

2. (If applicable) The **letters "NR"** appearing in the right-hand column denote **a priority document which, on the date of mailing of this Form, had not yet been received by the International Bureau** under Rule 17.1(a) or (b). Where, under Rule 17.1(a), the priority document must be submitted by the applicant to the receiving Office or the International Bureau, but the applicant fails to submit the priority document within the applicable time limit under that Rule, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

3. (If applicable) An **asterisk(*)** appearing next to a date of receipt, in the right-hand column, denotes **a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b)** (the priority document was received after the time limit prescribed in Rule 17.1(a) or the request to prepare and transmit the priority document was submitted to the receiving Office after the applicable time limit under Rule 17.1(b)). Even though the priority document was not furnished in compliance with Rule 17.1(a) or (b), the International Bureau will nevertheless transmit a copy of the document to the designated Offices, for their consideration. In case such a copy is not accepted by the designated Office as priority document, Rule 17.1(c) provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

Priority date	Priority application No.	Country or regional Office or PCT receiving Office	Date of receipt of priority document
18 Octo 2002 (18.10.2002)	102 48 751.0	DE	04 Dece 2003 (04.12.2003)

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